

United States District Court
Middle District of Tennessee
At Nashville

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DEC 19 2011

U.S. DISTRICT COURT
MID. DIST. TENN.

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

JOSE MORAN OCEGUEDA,

Defendant-Movant.

Crim. No. 3:02-CR-128-5

Civil No. 3:09-cv-132

HON. W.J. HAYNES, JR.

MAG.

MOTION FOR

RECONSIDERATION

F.R.Civ.P. 59(e)

* * * * *

COMES NOW DEFENDANT-MOVANT Jose Moran Ocegueda, and respectfully moves this HONORABLE COURT to reconsider the denial of . The grounds for this motion hereinafter more fully appear.

1.) The Court unlawfully denied evidentiary hearing because factual disputes existed which could not be determined from the "files and records of the case".

2.) The Court unlawfully relied on the Court of Appeals' decision for facts in this case. The gravamen of Mr. Ocegueda's Section 2255 motion was that the facts were unconstitutionally presented due to ineffective assistance of counsel in the pretrial, trial, sentencing and direct appeal process in the case.

DUNEM

Upon reviewing this motion,
the motion is GRANTED that the
Order denying the Section 2255 motion
to vacate is AFFIRMED for the reasons
and precedents cited in the Memorandum
accompanying the Order